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10/753,672	01/07/2004	Jose Miguel Cabezas	018579.0082US1	6781

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ROBERT D. FISH
RUTAN & TUCKER LLP
611 ANTON BLVD 14TH FLOOR
COSTA MESA, CA 92626-1931

EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/753,672
Filing Date: January 07, 2004
Appellant(s): CABEZAS, JOSE MIGUEL

Anthony S. King
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/05 appealing from the Office action mailed 3/31/05.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Egner et al.

In regard to claim 1, Egner et al. discloses a pipe flange apparatus comprising a

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first pipe flange S having a frontal face surrounding a central bore W passing through the flange, the face comprising an internal flange recess X extending into the flange and surrounding the bore, and a groove Z extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface 11 (all surfaces inherently have some texture to them) at least partially surrounding the bore W such that the textured surface is adapted to engage another surface (the internal flange recess surface is adapted to engage surface 10 of insert A as seen in fig. 3).

In regard to claim 2, the groove Z is substantially circular and the internal flange recess X is disk shaped, and the diameter of the groove Z is greater than the diameter of the internal flange recess.

In regard to claim 3, the flange comprises a plurality of boreholes H extending through the flange and positioned radially around the groove.

In regard to claim 4, the groove Z has a depth less than that of the internal flange recess X.

In regard to claim 5, further comprising an internal flange A having first and second portions surrounding a bore extending through the internal flange, wherein the first portion is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portions extends into the bore; and

a first sealing ring C positioned at least partially within the groove surrounding the internal flange recess.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell.

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In regard to claim 1, Campbell discloses a pipe flange apparatus (fig. 4) comprising a first pipe flange having a frontal face surrounding a central bore 32a passing through the flange, the face comprising an internal flange recess 32d extending into the flange and surrounding the bore, and a groove 32b extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface 32c (all surfaces inherently have a texture) at least partially surrounding the bore such that the textured surface is adapted to engage another surface (surface 32c is adapted to engage either surface 36e or 36f of 36).

In regard to claim 2, the groove 32b is substantially circular and the internal flange recess 32d is disk shaped, and the diameter of the groove is greater than the diameter of the internal flange recess.

In regard to claim 3, the flange comprises a plurality of boreholes 32e extending through the flange and positioned radially around the groove.

In regard to claim 4, the groove 32b has a depth less than that of the internal flange recess 32c.

In regard to claim 5, further comprising an internal flange 36 having first and second portions surrounding a bore extending through the internal flange, wherein the first portion 36m is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portion 36a extends into the bore; and

a first sealing ring 38 positioned at least partially within the groove surrounding the internal flange recess.

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In regard to claim 6, the first portion 36f of the internal flange is sized and positioned such that substantially fills all of the internal flange recess but does not extend radially outward from the internal flange recess 32d.

In regard to claim 7, the flange is coupled to a lined pipe having a central liner that is separate from the internal flange, and extends into the central bore of the first pipe flange such that the liner and the second portion of the internal flange line the central bore of the first pipe flange (see fig. 13).

(10) Response to Argument

It is the Applicant's position that both Egner et al. and Campbell fail to disclose an internal flange recess that comprises a textured surface. Specifically, Applicant argues that the meaning of the word "textured" should be gleaned from the specification and claims. Applicant states that the specification defines "textured surface" as "a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange".

The Applicant's definition of "a surface formed with gaps or **other features**" makes the definition of "textured" very broad. The prior art can have any "other features adapted to engage a surface of a plastic flange" and still meet the scope of the claimed invention.

Both Egner et al. and Campbell disclose a textured surface that is adapted to engage another surface. Egner et al. discloses a metal surface 11 that is adapted to engage surface 10 of insert A in fig. 3. Campbell discloses a metal surface 32c that is adapted to engage surface 36e, 36f or 36. Surface 11 of Egner et al. and surface 32c of Campbell are made of metal and inherently have a surface texture associated with them. The surface texture for metal would be

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different than the surface texture of other types of material that could have been chosen to make the pipe flanges and therefore give the metal flanges “features” that flanges made out of different materials would not have.

Applicant argues that based on the definition of “textured” in the specification, all surfaces are not “textured”. Specifically, Applicant argues that the specification defines “textured” to include a surface that “is adapted to engage another surface”, and that not every surface is adapted to engage another surface to form a better seal.

First, it is important to note that claim 1 does not contain the limitation “to form a better seal” and although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, the surfaces of both Egner et al. and Campbell are made of metal, inherently have a textured surface and are adapted to engage another surface. Surface 11 of Egner et al. is adapted to engage surface 10 of insert A and surface 32c of Campbell is adapted to engage surface 36e, 36f or 36.

Applicant argues that the examiner’s position that all surfaces are inherently textured is inconsistent with the tenet of claim construction that every claim element is a limitation and thus the applicant’s meaning of textured surface must be narrower than one that includes all surfaces.

When determining the meaning and scope of a claim limitation it is necessary to first look at the plain meaning of the word. Merriam Webster’s Collegiate Dictionary 10th Edition defines “texture” as “the visual or tactile surface characteristics and appearance of something” and defines “textured” as to give a particular texture to”. In this case, both Campbell and Egner

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et al. have picked flanges made out of a metal. By using metal as a material, Campbell and Egner et al. have both inherently given "a particular texture to" the internal flange recesses. A metal surface has "features" or a texture that other materials do not have and would fall under the broad definition "other features" recited by the Applicant. The word "textured" does not significantly narrow the meaning of "surface" because all material surfaces inherently have some texture associated with them. Therefore, the claim limitation of "textured surface" has been given consideration by the Examiner and it has been determined that both Egner et al. and Campbell anticipate that limitation for the reasons stated above.

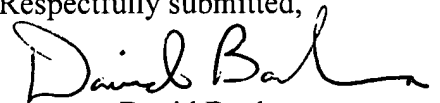
The Examiner submits that both Egner et al. and Campbell disclose a flange recess with a textured surface and that the rejection of claims 1-7 should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



David Bochna
Primary Examiner
Art Unit 3679

January 19, 2006

Conferees:

Daniel Stodola *DPS*
Aaron Dunwoody *aw*